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United States District Court  
DISTRICT OF NEW HAMPSHIRE

Josephine Amatucci

v.

Dennis O'Connor

Docket 1:18-mc-00038-JL

A MOTION TO RECUSE JUDGE LAPLANTE  
FOR FRAUD ON/UPON THE COURT  
IN A CONSPIRACY WITH THE MAGISTRATE  
JUDGE ANDREA JOHNSTONE

TO FRAUDULENTLY DENY THE PLAINTIFF HER FEDERAL CONSTITUTIONAL RIGHTS  
WHEN ENGAGED IN A CONSPIRACY

1. Let me understand Mr. Lapalante who in a continuing conduct is denying my evidence, my Constitutional rights , by denyng that defendant O'Connor did not engage in a violation of the Federal Constitution when he "under color of law, " engaged in a CONSPIRACY WITH THE JUDGE to deporive me of my federal rights.
2. It is a Constitutional fact, law, that no decision made by the Court can OVERRULE A FEDERAL CONSTITUTIONAL RIGHT, cannot deny the Plaintiff's Federal Constitutional claim against O'Connor, as allowed under 1983. That the Court cannot deny that O'Connor violated her rights when he had a duty to defend her, and did not defend her, especially when the judge refused to address her evidence in her Motion to

Dismiss, evidence that the alleged victim Mr. Maloney stated he had NO INJURY, yet the judge convicted the Plaintiff of causing bodily injury to the Plaintiff. And O'Connor remained silent.

#### FRAUD ON/UPON THE COURT

3. The Magistrate Andrea Johnstone also committed FRAUD in her Report and Recommendation when she FRAUDULENTLY stated:

"that the Court dismiss the federal constitutional claims asserted in this matter on the basis that Attorney O'Connor, as a private individual who is not acting under color of law, was not liable to Mrs. Amatucci for alleged violations of her federal constitutional rights".

4. The Magistrate continue's her fraud by stating that O'Connor was a ..... "public defender", when she knew he was a private attorney, who did not work for the public defender's office. She also fraudulently stated, that he was only acting as a STAND-BY ATTORNEY, when the truth is the Plaintiff fired O'CONNOR, but the judge ordered O'Connor to DEFEND her, and not as a STAND BY. O'Connor DID NOT DEFEND HER, he remained silent throughout the entire court procedure from beginning to the end.

5. The Magistrate FRAUDULENTLY stated that a "PUBLIC DEFENDER" does not act under color of state law . Hellooooooooo O'Connor was, is NOT A PUBLIC DEFENDER .....

6. See the case of Dennis v. Sparks 449 U.s. 24, 27-28 (1980) where the Court held that an otherwise private person acts "under color of law" when engaged in a .....CONSPIRACY.....to deprive another of their Federal Rights. In Imbler v. Pachtman the court stated there is NO IMMUNITY under 1983 liability is for INTENTIONAL

MISCONDUCT.

7. The Plaintiff has every legal right to sue for the violation of her Federal Rights, for a CONSPIRACY between the judge and O'Connor when O'Connor is guilty of being a willful participant with the judge in a joint action, of acting under color of law for purposes of a 1983 action.

8. The court stated that Private persons who are jointly engaged in a CORRUPT conspiracy with the judge, are acting 'under color' of law for purposes of 1983 actions. DuBose v. Kelly, 187 F.3d 999, Dennis v. Sparks, 449 U.S. 24 27 -29 (1980) White v. Walsh 649 F.2d 560, 561 (8th Cir. 1981).

9. A judgment may not be rendered in violation of Constitutional protections. As stated in the case of Tower v. Glover, "Title 42 U.S.C. 1983 provides that "every person " who acts "under color of law" to deprive another of constitutional rights "WILL BE LIABLE IN A SUIT OF DAMAGES."

10. This claim will go before a jury of her peers for damages, WITHOUT FURTHER DELAY as the Plaintiff is 85 years old and has been abused enough by the FRAUDULENT RULINGS OF THE COURT. For damages for the violation of her civil rights, when O'Connor participated with the judge, in a Conspiracy to find her guilty of a crime he knew, they both knew, that she was innocent of causing bodily injury to the alleged victim, Robert Maloney.

11. A crime under the Federal Constitution. Where no rulings no decisions of the Court overrule the law of the land, of the Federal Constitution. That if Laplante denies the Plaintiff this claim, he is MANDATED to step down from the bench, as he is a TRESPASSOR of the Federal Constitution.

Josephine Amatucci

November 29, 2023

c. Dennis O'Connor

*Josephine Imatucci*